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REMARKS

This response is intended as a full and complete response to the final Office Action mailed January 27, 2006. In the Office Action, the Examiner notes that claims 1-27 are pending and rejected. By this response, the claims continue unamended.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

35 U.S.C. §103 Rejection of Claims 22 and 25

The Examiner has rejected claims 22 and 25 under 35 U.S.C. §103(a) as being unpatentable over Lanier et al. (U.S. 5,588,104, hereinafter "Lanier '104") in view of Esch et al. (U.S. 5,283,639, hereinafter "Esch"). Applicants respectfully traverse the rejection.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. The Lanier '104 and Esch references fail to teach or suggest all of the limitations recited in claim 22, and thus fail to teach or suggest the Applicants' invention as a whole.

Specifically, the Lanier '104 and Esch references do not teach or suggest at least the portions of claim 22 which are emphasized as follows:

"22. A method for placing virtual objects into video programs at a viewer's terminal in a television program delivery system, comprising:

receiving, at the viewer's terminal, a plurality of virtual objects comprising first virtual objects intended for the viewer's terminal and second virtual objects intended for other terminals, wherein the plurality of virtual objects are received through the television program delivery system;

receiving, at the viewer's terminal, a video program including one or more virtual object locations, the video program including

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virtual object information for placement of virtual objects into the video program, wherein the video program is received through the television program delivery system;

receiving, at the viewer's terminal, a group assignment matrix and a retrieval plan for the viewer's terminal and the other terminals, wherein the group assignment matrix and the retrieval plan are received through the television program delivery system;

executing the retrieval plan at the viewer's terminal to instruct, based on the group assignment matrix, the viewers terminal to select one or more of the plurality of virtual objects, wherein the executing step includes comparing the virtual object information and the received virtual objects to select virtual objects for placement in the virtual object locations; and

inserting the selected virtual objects into the virtual object locations."

The Lanier '104 reference discloses a method and apparatus for creating virtual worlds where users may manipulate pictorial objects on a computer display. The method uses a computer to display the virtual world as a data flow network having a plurality of interconnected units. An interactive program allows the appearance of the plurality of interconnected units to be changed.

However, the Lanier '104 reference fails to teach or suggest receiving at the viewer's terminal a plurality of virtual objects including virtual objects intended for other terminals. Regarding the Lanier '104 reference, the Examiner alleges (emphasis added below):

"As per independent claim 22, Lanier et al teaches a method for placing virtual objects into video programs at a viewer's terminal (col 2, lines 36-47), comprising:

receiving a plurality of virtual objects comprising first virtual object intended for the viewer's terminal and second virtual objects intended for other terminal (col 2, lines 47-63; It is inherent in a network environment different virtual objects are displayed on different terminals);" (page 2 of the 1/27/2006 Office Action)

However, the Applicants respectfully disagree. Furthermore, the Applicants respectfully submit that the Examiner has misinterpreted the "data flow network" of the Lanier '104 reference to be a "network environment". This is not true. The Lanier '104 reference does not teach or suggest a network environment. Instead, the data flow network discussed in the Lanier '104 reference is a

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collection of interconnected data units which represents the virtual world in a single computer. Thus, the Lanier '104 reference does not teach or suggest a network environment. Furthermore, even if the Lanier '104 reference disclosed a network environment, which the Applicant maintains it does not, a network environment does not inherently mean that virtual objects intended for one terminal are delivered to another terminal. For this aspect to be inherent to network environments, it must necessarily be part of the alleged network environment. However, clearly this is incorrect, because network environments are obviously able to precisely deliver contents to specific addresses without necessarily including other contents not needed at those addresses.

The Lanier '104 reference further does not teach or suggest "receiving, at the viewer's terminal, a group assignment matrix and a retrieval plan for the viewer's terminal and the other terminals, wherein the group assignment matrix and the retrieval plan are received through the television program delivery system;" and "executing the retrieval plan at the viewer's terminal to instruct, based on the group assignment matrix, the viewers terminal to select one or more of the plurality of virtual objects," as recited in claim 22

Regarding the Lanier '104 reference, the Examiner acknowledges (emphasis added below):

"However, Lanier fails to teach receiving through the television program delivery system, at the view's terminal, the virtual objects;

Receiving, at the viewer's terminal, a group assignment matrix and a retrieval plan for the view's terminal and the other terminal, wherein the group assignment matrix and retrieval plan are received through the television program delivery system."

(Page 3 of the 1/27/2006 Office Action)

The Applicants respectfully thank the Examiner for this acknowledgment of the shortcomings of the Lanier '104 reference. The Applicants respectfully further note that the Examiner has failed to acknowledge that the Lanier '104 reference also fails to teach or suggest executing the retrieval plan at the viewer's terminal as recited in claim 22.

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The Esch reference fails to bridge the substantial gap between the Lanier '104 reference and the Applicants' invention as recited in claim 22. The Esch reference discloses a media system having a central site and a remote site for customizing video and audio presentations.

Specifically, the remote site discussed in the Esch reference is not a viewer's terminal in a television program delivery system. Instead, the remote site discussed in the Esch reference is a media processing facility. For example, the Esch reference recites (emphasis added below):

"A central site London 31, by way of example originates television commercials for transmission through a communications channel shown as a satellite 30 and for delivery to remote sites, which are facilities such as the Birmingham remote site 32, and the Zurich remote site 33, for example. The central site may also serve as a remote site. The remote site may couple into cable systems, VHF or UHF channels, fiber optics networks, hotels, or other rebroadcast systems." (column 3, lines 47-55)

Thus, the remote site discussed in the Esch reference is not a viewer's terminal in a television program delivery system, but is instead a facility, which couples into, i.e., a cable system.

Regarding the Esch reference, the Examiner alleges (emphasis added below):

"Esch et al. teaches receiving through the television program delivery system, at the view's terminal, (column 11, lines 50-65, column 1, lines 30-40; it is inherent that the interactive contents created Esch's multiple media network will alternately delivered to user's terminal) the interactive programs; (column 9, lines 35-67)

Receiving, at the viewer's terminal, a group assignment matrix and a retrieval plan for the view's terminal and the other terminal. (column 11, lines 50-65, column 1, lines 30-40) wherein the group assignment matrix and retrieval plan are received through the television program delivery system. (column 1, 42-column2, lines 70)" (page 3 of the 1/27/2006 Office Action)

Thus, the Examiner alleges that it is inherent that the interactive contents created in the multiple media network discussed in the Esch reference will be delivered to a user's terminal. However, the Applicants respectfully note that it is not inherent that certain actions disclosed by the Esch reference as occurring at the facility

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(i.e. remote site) will occur at a user's terminal. Instead, only the end result of the audio and video customization will be delivered to a user's terminal.

The Examiner further alleges that the Esch reference discloses receiving at a viewer's terminal a group assignment matrix and a retrieval plan. However, the Applicants respectfully disagree and submit that it is difficult to ascertain exactly what part of the Esch reference the Examiner is alleging teaches the group assignment matrix. The Examiner cites column 11, lines 50-65, column 1, lines 30-40 and column 1, 42-column2, lines 70, as allegedly providing this teaching. For example, the paragraph of the Esch reference at approximately column 11, lines 50-65, discloses:

"The multiple media delivery network of the present invention is unique in that the system displays full motion video and audio; replaces an existing audio track with analog or digital audio in another language; overlays customized text on full motion video or phototext content; and customizes phototext content automatically at each downlink. The content, whether full motion, phototext, digital audio, or any combination is broadcast quality "clean" switch and the content is automatically synchronized to the video signal. The content provider, be it a cable network, an advertiser, news programmer, or television listing service can precisely customize content, display it to exact demographic audiences, and receive a single accounting of the use of the content."

Thus, the Esch reference discloses that the system customizes audio and video, and that a cable network can display the customized video to an audience. However, this does not teach or suggest that a viewers terminal receives a group assignment matrix and a retrieval plan. The Applicants further respectfully note that the customization of video and audio discussed in the Esch reference occurs at the facility (i.e. remote site) and not a viewer's terminal. Thus, this portion of the Esch reference does not teach or suggest receiving a group assignment matrix and a retrieval plan at a viewer's terminal.

The other portions of the Esch reference cited by the Examiner as allegedly teaching receiving a group assignment matrix and a retrieval plan also fail to provide such alleged teachings. For example, the paragraph at column 2, lines 31-61, discloses a matrix switch. However, the matrix switch is not received

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by the facility (i.e. remote site) but is instead a hardware element present at the remote site. Furthermore, as discussed above, the facility (i.e. remote site) discussed in the Esch reference is not a viewer's terminal. Thus, the matrix switch of the facility is not a matrix switch of a viewer's terminal. Furthermore, as also discussed above, it is not inherent that the actions performed by this matrix switch at the facility are also performed at the viewer's terminal. Indeed, the Esch reference provides no teaching whatsoever of customizing video and audio at a viewer's terminal.

Similarly, the Esch reference also does not teach or suggest executing the retrieval plan at the viewer's terminal to instruct, based on the group assignment matrix, the viewer's terminal to select one or more of the plurality of virtual objects. Because the Esch reference performs the customization of audio and video at the facility, the Esch reference does not teach or suggest executing the retrieval plan at the viewer's terminal.

The Applicants further respectfully note that the Esch reference thus necessarily also does not teach or suggest "receiving, at the viewer's terminal, a plurality of virtual objects comprising first virtual objects intended for the viewer's terminal and second virtual objects intended for other terminals" because the Esch reference does not teach or suggest receiving any of the pre-customization audio and video signals at the viewer's terminal. Instead, these signals are only received at the facility.

Therefore, the Lanier '104 and Esch references, alone or in combination, fail to teach Applicants invention, as recited in claim 22, as a whole.

Moreover, the Applicants respectfully submit that the Examiner has failed to provide a valid motivation to combine the Lanier '104 and Esch references in a manner to obviate the claimed invention. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. (see MPEP 2143.01(I) and 2143.01(III))

Regarding the motivation to combine the Lanier '104 and Esch references, the Examiner alleges (emphasis added below):

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"It would have been obvious to an artisan at the time of the invention to include Esch's teaching with method of Lanier in order to allow server to distribute advertisement that is local and pertinent." (Page 3 of the 1/27/2006 Office Action)

Thus, the Examiner alleges that the motivation to combine the Lanier '104 and Esch references is to allow distribution of local advertisements by incorporating the Esch reference's disclosure of customization of video and audio into the disclosure of the Lanier '104 reference related to virtual worlds. However, the virtual worlds discussed in the Lanier '104 reference are not program broadcast signals, and thus advertising is not pertinent to these virtual worlds. Instead, the virtual worlds discussed in the Lanier '104 reference are merely for the use of the user of the virtual world. Since there is no broadcaster in the Lanier '104 reference, there's no economic model to support advertising. Thus the inclusion of advertising in the virtual world of the Lanier '104 reference would not be desirable because nobody would benefit since there is no program broadcaster to collect revenues from either an advertiser or the user, and since the user does not have a relationship with a non-existent broadcaster, there is no motivation for the user to watch advertising. Thus, because it would not be desirable to combine the Lanier '104 and Esch references, there is no motivation to do so.

Furthermore, there is also no motivation to combine the television program delivery system aspects discussed in the Esch reference with the computer displayed virtual world discussed in the Lanier '104 reference because, as discussed above, the virtual world discussed in the Lanier '104 reference is not a networked environment, and thus there would be no benefit provided to it from the television program delivery system. Because there were be no benefit, the combination would not be desirable, and therefore there is no motivation to combine.

Thus, in addition to the Lanier '104 and Esch references failing to teach or suggest the claimed invention of the whole, there is also no valid motivation to combine the Lanier '104 and Esch references.

As such, Applicants submit that independent claim 22 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder.

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Furthermore, claim 25 depends directly from independent claim 22 and recites additional features thereof. As such and at least for the same reasons as discussed above, Applicants submit that dependent claim 25 also is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 1-6, 8-14, 16-21, 23, 24, 26 and 27

The Examiner has rejected claims 1-6, 8-14, 16-21, 23, 24, 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over Lanier '104 in view of Lanier et al. (U.S. Patent 5,588,139, hereinafter "Lanier '139") further in view of Esch. Applicants respectfully traverse the rejection.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. The Lanier '104, Lanier '139 and Esch references fail to teach or suggest all of the limitations recited in claim 1, and thus fail to teach or suggest the Applicants' invention as a whole.

Specifically, the Lanier '104, Lanier '139 and Esch references do not teach or suggest at least the portions of claim 1 which are emphasized as follows:

"1. A method for placing virtual objects in virtual object locations in a video program at a viewer's terminal in a television program delivery system, comprising:

receiving, at the viewer's terminal, a plurality of virtual objects for use with one or more of the virtual object locations in the video program, wherein the plurality of virtual objects are received through the television program delivery system and comprise first virtual objects intended for the viewer's terminal and second virtual objects intended for other terminals;

storing the plurality of virtual objects in the viewer's terminals;

receiving, at the viewer's terminal, a group assignment matrix and a retrieval plan for the viewer's terminal and the other terminals, wherein the group assignment matrix and the retrieval plan are received through the television program delivery system;

executing the retrieval plan at the viewer's terminal to instruct, based on the group assignment matrix, the viewer's terminal to select one or more of the plurality of virtual objects; and

inserting the selected one or more of the received plurality of

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virtual objects into one or more of the virtual object locations during a display or storage of the video program at the viewer's terminal."

The Lanier '104 reference discloses a method and apparatus for creating virtual worlds where users may manipulate pictorial objects on a computer display.

The Lanier '139 reference discloses a computer model of a virtual environment which is modified by input from participants in the virtual environment.

Regarding the Lanier '104 and Lanier '139 references, the Examiner acknowledges (emphasis added below):

"However, they [Lanier '104 and Lanier '139] both fail to teach receiving from the television program delivery system, at the view's terminal, the virtual object;

Receiving, at the viewer's terminal, a group assignment matrix and a retrieval plan for the view's terminal and the other terminal, wherein the group assignment matrix and retrieval plan are received through the television program delivery system.

Executing the retrieval plan at the viewer's terminal to instruct, based on the group assignment matrix, the viewers terminal to select one or more of the plurality of virtual objects."
(Pages 4-5 of the 1/27/2006 Office Action)

Thus, the Examiner acknowledges that the Lanier '104 and Lanier '139 references fail to teach or suggest receiving the group assignment matrix and retrieval plan at the viewer's terminal through the television program delivery system, and executing the retrieval plan at the viewer's terminal to select one or more of the plurality of virtual objects. The Applicants respectfully thank the Examiner for this acknowledgment of the shortcomings of the Lanier '104 and Lanier '139 references.

The Esch fails to bridge the substantial gap between the Lanier '104 and Lanier '139 references and the claimed invention. The Esch reference discloses a media system having a central site and a remote site for customizing video and audio presentations.

The Applicants note that the remote site discussed in the Esch reference is not a viewer's terminal in a television program delivery system. Instead, the

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remote site discussed in the Esch reference is a media processing facility. For example, the Esch reference recites (emphasis added below):

"A central site London 31, by way of example originates television commercials for transmission through a communications channel shown as a satellite 30 and for delivery to remote sites, which are facilities such as the Birmingham remote site 32, and the Zurich remote site 33, for example. The central site may also serve as a remote site. The remote site may couple into cable systems, VHF or UHF channels, fiber optics networks, hotels, or other rebroadcast systems." (column 3, lines 47-55)

Thus, the remote site discussed in the Esch reference is not a viewer's terminal in a television program delivery system, but is instead a facility, which couples into, i.e., a cable system.

Regarding the Esch reference, the Examiner alleges (emphasis added below):

"Esch et al. teaches receiving through the television program delivery system, at the view's terminal, (column 11, lines 50-65, column 1, lines 30-40; it is inherent that the interactive contents created Esch's multiple media network will alternately delivered to user's terminal) the interactive programs; (column 9, lines 35-67)

Receiving, at the viewer's terminal, a group assignment matrix and a retrieval plan for the view's terminal and the other terminal, (column 11, lines 50-65, column 1, lines 30-40) wherein the group assignment matrix and retrieval plan are received through the television program delivery system. (column 1, 42-column2, lines 70)

Executing the retrieval plan at the viewer's terminal to instruct, based on the group assignment matrix, the viewers terminal to select one or more of the plurality of virtual objects. (Abstract)" (page 5 of the 1/27/2006 Office Action)

Thus, the Examiner alleges that it is inherent that the interactive contents created in the multiple media network discussed in the Esch reference will be delivered to a user's terminal. However, the Applicants respectfully note that it is not inherent that certain actions disclosed by the Esch reference as occurring at the facility (i.e. remote site) will occur at a user's terminal. Instead, only the end result of the audio and video customization will be delivered to a user's terminal.

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The Examiner further alleges that the Esch reference discloses receiving at a viewer's terminal a group assignment matrix and a retrieval plan. However, the Applicants respectfully disagree and submit that it is difficult to ascertain exactly what part of the Esch reference the Examiner is alleging teaches the group assignment matrix. The Examiner cites column 11, lines 50-65, column 1, lines 30-40 and column 1, 42-column2, lines 70, as allegedly providing this teaching. For example, the paragraph of the Esch reference at approximately column 11, lines 50-65, discloses:

"The multiple media delivery network of the present invention is unique in that the system displays full motion video and audio; replaces an existing audio track with analog or digital audio in another language; overlays customized text on full motion video or phototext content; and customizes phototext content automatically at each downlink. The content, whether full motion, phototext, digital audio, or any combination is broadcast quality "clean" switch and the content is automatically synchronized to the video signal. The content provider, be it a cable network, an advertiser, news programmer, or television listing service can precisely customize content, display it to exact demographic audiences, and receive a single accounting of the use of the content."

Thus, the Esch reference discloses that the system customizes audio and video, and that a cable network can display the customized video to an audience. However, this does not teach or suggest that a viewer's terminal receives a group assignment matrix and a retrieval plan. The Applicants further respectfully note that the customization of video and audio occurs at the facility (i.e. remote site) discussed in the Esch reference, which is not a viewer's terminal. Thus, this portion of the Esch reference does not teach or suggest receiving a group assignment matrix and a retrieval plan at a viewer's terminal.

The other portions of the Esch reference cited by the Examiner as allegedly teaching receiving a group assignment matrix and a retrieval plan also fail to provide such alleged teachings. For example, the paragraph at column 2, lines 31-61, discloses a matrix switch. However, the matrix switch is not received by the facility (i.e. remote site) but is instead a hardware element present at the facility. Furthermore, as discussed above, the facility (i.e. remote site) discussed

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in the Esch reference is not a viewer's terminal. Thus, the matrix switch of the facility is not a matrix switch of a viewer's terminal. Furthermore, as also discussed above, it is not inherent that the actions performed by this matrix switch at the facility are also performed at the viewer's terminal. Indeed, the Esch reference provides no teaching whatsoever of customizing video and audio at a viewer's terminal.

Similarly, the Esch reference also does not teach or suggest executing the retrieval plan at the viewer's terminal to instruct, based on the group assignment matrix, the viewer's terminal to select one or more of the plurality of virtual objects. Because the Esch reference performs the customization of audio and video at the facility, the Esch reference does not teach or suggest executing the retrieval plan at the viewer's terminal.

Therefore, the Lanier '104, Esch and Lanier '139 references, alone or in combination, fail to teach Applicants invention, as recited in claim 1, as a whole.

Moreover, the Applicants respectfully submit that Examiner has failed to provide a valid motivation to combine the Lanier '104, Lanier '139 and Esch references in a manner to obviate the claimed invention. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. (see MPEP 2143.01(I) and 2143.01(III))

Regarding the motivation to combine the Lanier '104, Lanier '139 and Esch references, the Examiner alleges (emphasis added below):

"It would have been obvious to an artisan at the time of the invention to include Esch's teaching with method of Lanier in order to allow server to distribute advertisement that is local and pertinent." (Page 5 of the 1/27/2006 Office Action)

Thus, the Examiner alleges that the motivation to combine the Lanier '104 and Lanier '139 references with the Esch reference is to allow distribution of local advertisements by incorporating the Esch reference's disclosure of customization of video and audio into the disclosure of the Lanier '104 and Lanier '139 references which are related to virtual worlds. However, the virtual worlds discussed in the Lanier '104 and Lanier '139 references are not program

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broadcast signals, and thus advertising is not pertinent to these virtual worlds. Instead, the virtual worlds discussed in the Lanier '104 and Lanier '139 references are merely for the use of the users of the virtual worlds. Since there is no program broadcaster in the Lanier '104 and Lanier '139 references, there is no economic model to support advertising. Thus, the inclusion of advertising in the virtual worlds of the Lanier '104 and Lanier '139 references would not be desirable because nobody would benefit since there is no program broadcaster to collect revenues from either an advertiser or the user, and since the user does not have a relationship with a non-existent program broadcaster, there is no motivation for the user to watch advertising. Thus, because it would not be desirable to combine the Lanier '104 and Lanier '139 references with the Esch reference, there is no motivation to do so.

Therefore, in addition to the Lanier '104, Lanier '139 and Esch references failing to teach or suggest the claimed invention as a whole, there is also no valid motivation to combine the Lanier '104, Lanier '139 and Esch references.

As such, Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Moreover, independent claims 9, 18 and 22 include substantially similar relevant limitations as those discussed above in regards to claim 1. Therefore, independent claims 9, 18 and 22 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 2-6, 8, 10-14, 16-17, 19-21, 23, 24, 26 and 27 depend, either directly or indirectly, from independent claims 1, 9, 18 and 22 and recite additional features thereof. As such and at least for the same reasons as discussed above, Applicants submit that these dependent claims are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 7 and 16

The Examiner has rejected claims 7 and 16 under 35 U.S.C. §103(a) as being unpatentable over Lanier '104 in view of Lanier '139 further in view of Esch

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further in view of de Hond (U.S. Patent 5,737,533, hereinafter "Hond").

Applicants respectfully traverse the rejection.

Claims 7 and 16 depend, either directly or indirectly, from independent claims 1 and 9, and recite additional features thereof. Moreover, claims 1 and 9 are patentable over the Lanier '104, Lanier '139 and Esch references at least for the reasons discussed above. Accordingly, any attempted combination of the Lanier '104, Lanier '139 and Esch references with any other additional references, in a rejection against the dependent claims, would still result in a gap in regards to the rejection against the independent claims. As such, Applicants submit that dependent claims 7 and 16 are also not obvious and are patentable under 35 U.S.C. §103.

CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Stephen Guzzi, at (732) 383-1405, or Eamon J. Wall, at (732) 530-9404 or so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 3/27/06

E J Wall
Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808

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